

Serial No.: 10/065,286  
Attorney Docket No.: F-380

Patent

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

OFFICIAL

In re patent application of: ) Attorney Docket No.: F-380  
Christian A. Beck ) Customer No.: 00919  
Serial No.: 10/065,286 ) Examiner: Rogers, David A.  
Filed: September 30, 2002 ) Group Art Unit: 2856  
Confirmation # 5702 ) Date: April 12, 2004

Title: HAZARDOUS MATERIAL DETECTOR FOR DETECTING  
HAZARDOUS MATERIAL IN A MAILSTREAM

Mail Stop Appeal Brief- Patents  
Commissioner for Patents  
Alexandria, VA 22313-1450

**APPELLANT'S BRIEF ON APPEAL**

Sir:

This is an appeal pursuant to 35 U.S.C. § 134 and 37 C.F.R. §§ 1.191 et seq. from the final rejection of claims 1-7 of the above-identified application mailed November 12, 2003. Claims 1-7 stand at least twice rejected. This Brief is in furtherance of the Notice of Appeal filed in this case on February 11, 2004. This Brief is transmitted in triplicate. Accordingly, this brief is timely filed. The fee for submitting this Brief is \$330.00 (37 C.F.R. § 1.17(c)). Please charge Deposit Account No. 16-1885 in the amount of \$330.00 to cover these fees. The Commissioner is hereby authorized to charge any additional fees that may be required for this appeal or to make this brief timely or credit any overpayment to Deposit Account No. 16-1885. Enclosed with this original are two copies of this brief.

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, on April 12, 2004 (Date of Transmission).  
George M. Macdonald, Reg. No. 39,284 (Name of Registered Rep.)

(Signature)

April 12, 2004 (Date)

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Patent

The Examiner cites to Attar '919, but does not show a holder in a carrier in which the test strip may move. Accordingly, the Examiner has failed to establish a prima facie case for an obviousness rejection.

For at least these reasons, Appellant respectfully submits that the final rejection as to claim 3 is in error and should be reversed.

IX. Conclusion

In Conclusion, Appellant respectfully submits that the final rejection of claims 1-7 is in error for at least the reasons given above and should, therefore, be reversed.

Respectfully submitted,



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(GAM0145.1)

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